

# EXHIBIT B

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## **REVISED CODE OF WASHINGTON**

**2010 Edition**

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### **CERTIFICATE**

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**29A.44.120****Title 29A RCW: Elections**

§ 5, part; 1921 c 178 § 6, part; 1915 c 114 § 2, part; 1913 c 58 § 7, part; RRS § 5306, part. (xi) 1854 p 67 § 16; No RRS. (xii) 1854 p 67 § 17, part; No RRS. (xiii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (xiv) 1915 c 14 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part. (xv) 1933 c 1 § 10, part; RRS § 5114-10, part. (xvi) Code 1881 § 3093, part; RRS § 5338, part. (xvii) 1903 c 85 § 1, part; RRS § 3339, part. Formerly RCW 29.48.030.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**29A.44.120 Delivery of precinct lists to polls.** Upon closing of the registration files preceding an election, the county auditor shall deliver the precinct lists of registered voters to the inspector or one of the judges of each precinct or group of precincts located at the polling place before the polls open. [2003 c 111 § 1111. Prior: 1994 c 57 § 19; 1971 ex.s. c 202 § 21; 1965 c 9 § 29.07.170; prior: 1957 c 251 § 8; prior: 1933 c 1 § 10, part; RRS § 5114-10, part; prior: 1919 c 163 § 11, part; 1915 c 16 § 13, part; 1905 c 171 § 4, part; 1889 p 417 § 13, part; RRS § 5131, part. Formerly RCW 29.07.170.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**29A.44.130 Additional supplies for paper ballots.** In precincts where votes are cast on paper ballots, the following supplies, in addition to those specified in RCW 29A.44.110, must be provided:

(1) Two tally books in which the names of the candidates will be listed in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(2) Two certificates or two sample ballots prepared as blanks, for recording of the unofficial results by the precinct election officers. [2003 c 111 § 1112; 1977 ex.s. c 361 § 82. Formerly RCW 29.48.035.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**29A.44.140 Voting and registration instructions and information.** (1) Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.

(2) The county auditor shall make information available for deaf persons throughout the state by telecommunications. [2003 c 111 § 1113. Prior: 1999 c 298 § 17; 1985 c 205 § 9. Formerly RCW 29.57.130.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**29A.44.150 Time for arrival of officers.** The precinct election officers for each precinct shall meet at the designated polling place at the time set by the county auditor. [2003 c 111 § 1114. Prior: 1977 ex.s. c 361 § 80; 1965 c 9 § 29.48.020; prior: 1957 c 195 § 6; prior: 1913 c 58 § 12, part; RRS § 5312, part. Formerly RCW 29.48.020.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**29A.44.160 Inspection of voting equipment.** Before opening the polls for a precinct, the voting equipment shall be inspected to determine if it has been properly prepared for

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voting. If the voting equipment is capable of direct tabulation of each voter's choices, the precinct election officers shall verify that no votes have been registered for any issue or office to be voted on at that primary or election. Any ballot box shall be carefully examined by the judges of election to determine that it is empty. The ballot box shall then be sealed or locked. The ballot box shall not be opened before the certification of the primary or election except in the manner and for the purposes provided under this title. [2003 c 111 § 1115. Prior: 1990 c 59 § 37; 1965 c 9 § 29.48.070; prior: 1854 p 67 § 17, part; No RRS. Formerly RCW 29.48.070.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

**29A.44.170 Flag.** At all primaries and elections the flag of the United States shall be conspicuously displayed in front of each polling place. [2003 c 111 § 1116. Prior: 1965 c 9 § 29.48.090; prior: 1921 c 68 § 1, part; RRS § 5320, part. Formerly RCW 29.48.090.]

**29A.44.180 Opening the polls.** The precinct election officers, immediately before they start to issue ballots or permit a voter to vote, shall announce at the place of voting that the polls for that precinct are open. [2003 c 111 § 1117. Prior: 1990 c 59 § 38; 1965 c 9 § 29.48.100; prior: Code 1881 § 3077; 1865 p 34 § 2; RRS § 5321. Formerly RCW 29.48.100.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

**29A.44.190 Voting devices—Periodic examination.** The precinct election officers shall periodically examine the voting devices to determine if they have been tampered with. [2003 c 111 § 1118. Prior: 1990 c 59 § 45; 1965 c 9 § 29.51.150; prior: 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. Formerly RCW 29.51.150.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

**29A.44.201 Issuing ballot to voter—Challenge.** A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter. [2004 c 271 § 136.]

**29A.44.205 Identification required.** Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a valid photo identification, such as a driver's license or state identification card, student identifica-

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tion card, or tribal identification card, a voter's voter identification issued by a county elections officer, or a copy of a current utility bill, bank statement, paycheck, or government check or other government document. Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

The secretary of state may adopt rules to carry out this section. [2005 c 243 § 7.]

**29A.44.207 Provisional ballots.** Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, then place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted. [2005 c 243 § 6.]

**29A.44.210 Signature required—Procedure if voter unable to sign name.** Any person desiring to vote at any primary or election is required to sign his or her name on the appropriate precinct list of registered voters. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

The precinct election officers shall then record the voter's name. [2003 c 111 § 1120; 1990 c 59 § 41; 1971 ex.s. c 202 § 41; 1967 ex.s. c 109 § 9; 1965 ex.s. c 156 § 5; 1965 c 9 § 29.51.060. Prior: 1933 c 1 § 24; RRS § 5114-24. Formerly RCW 29.51.060.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

*Forms, secretary of state to design—Availability to public:* RCW 29A.08.850.

*Poll books—As public records—Copies furnished, uses restricted:* RCW 29A.08.720.

**29A.44.221 Casting vote.** On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place or disability access location, proceed to one of the voting booths or voting devices to cast his or her vote. When county election procedures so provide, the election officers may tear off and retain the numbered stub from the ballot before delivering it to the voter. If an election officer has not already done so, when the voter has

finished, he or she shall either (1) remove the numbered stub from the ballot, place the ballot in the ballot box, and return the number to the election officers, or (2) deliver the entire ballot to the election officers, who shall remove the numbered stub from the ballot and place the ballot in the ballot box. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter shall also return unvoted party ballots to the precinct election officers, who shall void the unvoted party ballots and return them to the county auditor. If poll-site ballot counting devices are used, the voter shall put the ballot in the device. [2004 c 271 § 137.]

**29A.44.225 Voter using electronic voting device.** A voter voting on an electronic voting device may not leave the device during the voting process, except to request assistance from the precinct election officers, until the voting process is completed. [2005 c 242 § 4.]

**29A.44.231 Record of participation.** As each voter casts his or her vote, the precinct election officers shall insert in the poll books or precinct list of registered voters opposite that voter's name, a notation to credit the voter with having participated in that primary or election. No record may be made of a voter's party affiliation in a partisan primary. The precinct election officers shall record the voter's name so that a separate record is kept. [2004 c 271 § 138.]

*No link between voter and ballot choice:* RCW 29A.08.161.

**29A.44.240 Disabled voters.** (1) Voting shall be secret except to the extent necessary to assist sensory or physically disabled voters.

(2) If any voter declares in the presence of the election officers that because of sensory or physical disability he or she is unable to register or record his or her vote, he or she may designate a person of his or her choice or two election officers from opposite political parties to enter the voting machine booth with him or her and record his or her vote as he or she directs.

(3) A person violating this section is guilty of a misdemeanor. [2003 c 111 § 1123; 2003 c 53 § 180; 1981 c 34 § 1; 1965 ex.s. c 101 § 17; 1965 c 9 § 29.51.200. Prior: (i) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (ii) 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. Former law: 1901 c 135 § 6; 1889 p 410 § 26. Formerly RCW 29.51.200.]

**Reviser's note:** This section was amended by 2003 c 53 § 180 and by 2003 c 111 § 1123, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

*Voters with disabilities, accessibility of polling places:* Chapter 29A.16 RCW.

**29A.44.250 Tabulation of paper ballots before close of polls.** (1) Paper ballots may be tabulated at the precinct polling place before the closing of the polls. The tabulation of ballots, paper or otherwise, shall be open to the public, but no persons except those employed and authorized by the

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(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW. [2008 c 308 § 1; 2005 c 274 § 250; 2003 c 111 § 1514.]

**Part headings not law—Effective date—2005 c 274:** See RCW 42.56.901 and 42.56.902.

**29A.60.150 Procedure when member a candidate.**

The members of the county canvassing board may not include individuals who are candidates for an office to be voted upon at the primary or election. If no individual is available to serve on the canvassing board who is not a candidate at the primary or election the individual who is a candidate must not make decisions regarding the determination of a voter's intent with respect to a vote cast for that specific office; the decision must be made by the other two members of the board. If the two disagree, the vote must not be counted unless the number of those votes could affect the result of the primary or election, in which case the secretary of state or a designee shall make the decision on those votes. This section does not restrict participation in decisions as to the acceptance or rejection of entire ballots, unless the office in question is the only one for which the voter cast a vote. [2003 c 111 § 1515; 1995 c 139 § 3; 1965 c 9 § 29.62.030. Prior: 1957 c 195 § 16; prior: (i) Code 1881 § 3098; 1865 p 39 § 8; RRS § 5345. (ii) 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.030.]

**29A.60.160 Absentee ballots. (Expires July 1, 2013.)**

(1) Except for an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than five hundred ballots that have yet to be canvassed.

(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.

(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.

(4) Tabulation results must be made available to the public immediately upon completion of the canvass. [2007 c 373 § 1. Prior: 2005 c 243 § 15; 2005 c 153 § 11; 2003 c 111 § 1516; 1999 c 259 § 4; 1995 c 139 § 2; 1987 c 54 § 2; 1965 c 9 § 29.62.020; prior: 1957 c 195 § 15; prior: 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.020.]

**Expiration date—2007 c 373 § 1:** "Section 1 of this act expires July 1, 2013." [2007 c 373 § 4.]

**Expiration date—2005 c 153 §§ 11 and 12:** "Sections 11 and 12 of this act expire July 1, 2013." [2005 c 153 § 14.]

**Captions not law—Severability—2005 c 153:** See RCW 29A.53.901 and 29A.53.902.

*Absentee ballots, canvassing:* RCW 29A.40.110.

**29A.60.160 Absentee ballots. (Effective July 1, 2013.)**

(1) The county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than five hundred ballots that have yet to be canvassed.

(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.

(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.

(4) Tabulation results must be made available to the public immediately upon completion of the canvass. [2007 c 373 § 2; 2005 c 243 § 15; 2003 c 111 § 1516; 1999 c 259 § 4; 1995 c 139 § 2; 1987 c 54 § 2; 1965 c 9 § 29.62.020. Prior: 1957 c 195 § 15; prior: 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.020.]

**Effective date—2007 c 373 § 2:** "Section 2 of this act takes effect July 1, 2013." [2007 c 373 § 5.]

*Absentee ballots, canvassing:* RCW 29A.40.110.

**29A.60.165 Unsigned absentee or provisional ballots.**

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by first-class mail and advise the voter of the correct procedures for completing the unsigned affidavit. If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, enclosing a copy of

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the envelope affidavit, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the absentee or provisional ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or

(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. The voter may enclose with the affidavit a photocopy of a valid government or tribal issued identification document that includes the voter's current signature. If the signature on the copy of the affidavit does not match the signature on file or the signature on the copy of the identification document, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request. [2006 c 209 § 4; 2006 c 208 § 1; 2005 c 243 § 8.]

**Reviser's note:** This section was amended by 2006 c 208 § 1 and by 2006 c 209 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2006 c 209:** See RCW 42.56.903.

#### 29A.60.170 Counting center, direction and observation of proceedings—Manual count of certain precincts.

(1) The counting center in a county using voting systems is under the direction of the county auditor and must be observed by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those

employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(2) In counties in which ballots are not counted at the polling place, the official political party observers, upon mutual agreement, may request that a precinct be selected at random on receipt of the ballots from the polling place and that a manual count be made of the number of ballots and of the votes cast on any office or issue. The ballots for that precinct must then be counted by the vote tallying system, and this result will be compared to the results of the manual count. This may be done as many as three times during the tabulation of ballots on the day of the primary or election.

(3) In counties using poll-site ballot counting devices, the political party observers, upon mutual agreement, may choose as many as three precincts and request that a manual count be made of the number of ballots and the votes cast on any office or issue. The results of this count will be compared to the count of the precinct made by the poll-site ballot counting device. These selections must be made no later than thirty minutes after the close of the polls. The manual count must be completed within forty-eight hours after the close of the polls. The process must take place at a location designated by the county auditor for that purpose. The political party observers must receive timely notice of the time and location, and have the right to be present. However, the process must proceed as scheduled if the observers are unable to attend.

(4) In counties voting entirely by mail, a random check of the ballot counting equipment may be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board prior to the processing of ballots. The random check process shall involve a comparison of a manual count to the machine count and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board and the check must be completed no later than forty-eight hours after election day. [2007 c 373 § 3; 2003 c 111 § 1517; 1999 c 158 § 9; 1990 c 59 § 30; 1977 ex.s. c 361 § 71. Formerly RCW 29.54.025, 29.34.153.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

#### 29A.60.180 Credit for voting—Retention of ballots.

Each registered voter casting an absentee ballot will be credited with voting on his or her voter registration record. Absentee ballots must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places. [2003 c 111 § 1518. Prior: 2001 c 241 § 12; 1988 c 181 § 3; 1987 c 346 § 16; 1983 c 136 § 1; 1965 c 9 § 29.36.075; prior: 1961 c 78 § 1. Formerly RCW 29.36.330, 29.36.075.]

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.